

The Office Action provisionally rejects claims 1-13 for obviousness-type double patenting over claims 1-16 of Copending Application No. 10/417,187. Because Copending Application No. 10/417,187 has not issued or been allowed as of the filing of this paper, filing a Terminal Disclaimer to obviate a provisional double patenting rejection is premature. As such, withdrawal of the provisional double patenting rejection is respectfully requested.

The Office Action rejects claims 1-13 under 35 U.S.C. §103(a) over Kazuhiro (JP 11-316468) in view of Wataru (JP 10-251277), Morikawa et al. (U.S. Patent No. 6,562,530) and Heeks et al. (U.S. Patent No. 6,485,835). The rejections are respectfully traversed.

In particular, none of the applied references, alone or in combination, disclose or suggest an electrophotographic photoreceptor, a process cartridge or an image forming apparatus that includes a photosensitive layer that includes a silicon compound containing layer wherein the photosensitive layer has a peak area in the region of -40 to 0 ppm ( $S_1$ ) and a peak area in the region of -100 to -50 ppm ( $S_2$ ) area in the silicon NMR spectrum satisfying the equation  $S_1 / (S_1 + S_2) \geq 0.5$ , as recited in independent claim 1 and similarly recited in independent claims 10 and 11.

Kazuhiro teaches an electrophotographic photoreceptor that has high mechanical strength and resistance to an oxidated gas and that is stable in photoelectronic characteristics (Abstract).

Wataru teaches a new silane compound that has a specific triarylamine structure and that exhibits excellent solubility, membrane-forming properties and three-dimensional cross-linking hardenability (Abstract).

Morikawa teaches an electrophotographic photosensitive member that has a support, a photosensitive layer and a protective layer (Abstract).

Heeks teaches a fusing release agent that includes a reaction product of a primary or secondary amino functionalized polyorganosiloxane oil and a lower molecular weight aldehyde or ketone (Abstract).

Moreover, the Office Action seems to assume that a compound having silicone particles has an NMR spectrum similar to the compound of the claimed invention (Office Action, page 3, lines 5-15). However, the NMR spectrum of the claimed invention is a spectrum of the photosensitive layer, and the claimed relationship between the peak area  $S_1$  and the peak area  $S_2$  is not determined by only one component included in the layer but by all components that are included in the layer. Moreover, a silicon particle is not an essential component of the claimed invention. Accordingly, a combination of the applied references would not arrive at the claimed invention because the NMR spectrum of any of the applied references would not compare to the NMR spectrum as claimed in independent claims 1, 10 and 11, at least because the relationship between the peak areas  $S_1$  and  $S_2$  is determined by all the components of the photosensitive layer.

Because it would not have been obvious to combine the applied references to arrive at the claimed invention, independent claims 1, 10 and 11, and their dependent claims, are patentable over the combination of the applied references. As such, withdrawal of the rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Tarik M. Nabi  
Registration No. 55,478

JAO:TMN/amw

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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